

2SHB 2557 - S COMM AMD
By Committee on Judiciary

NOT ADOPTED 03/05/2008

1 Strike everything after the enacting clause and insert the
2 following:

3 "JURISDICTIONAL PROVISIONS

4 **Sec. 1.** RCW 3.66.020 and 2007 c 46 s 1 are each amended to read as
5 follows:

6 If the value of the claim or the amount at issue does not exceed
7 (~~fifty~~) seventy-five thousand dollars, exclusive of interest, costs,
8 and attorneys' fees, the district court shall have jurisdiction and
9 cognizance of the following civil actions and proceedings:

- 10 (1) Actions arising on contract for the recovery of money;
- 11 (2) Actions for damages for injuries to the person, or for taking
12 or detaining personal property, or for injuring personal property, or
13 for an injury to real property when no issue raised by the answer
14 involves the plaintiff's title to or possession of the same and actions
15 to recover the possession of personal property;
- 16 (3) Actions for a penalty;
- 17 (4) Actions upon a bond conditioned for the payment of money, when
18 the amount claimed does not exceed fifty thousand dollars, though the
19 penalty of the bond exceeds that sum, the judgment to be given for the
20 sum actually due, not exceeding the amount claimed in the complaint;
- 21 (5) Actions on an undertaking or surety bond taken by the court;
- 22 (6) Actions for damages for fraud in the sale, purchase, or
23 exchange of personal property;
- 24 (7) Proceedings to take and enter judgment on confession of a
25 defendant;
- 26 (8) Proceedings to issue writs of attachment, garnishment and
27 replevin upon goods, chattels, moneys, and effects;
- 28 (9) Actions arising under the provisions of chapter 19.190 RCW;

1 (10) Proceedings to civilly enforce any money judgment entered in
2 any municipal court or municipal department of a district court
3 organized under the laws of this state; and

4 (11) All other actions and proceedings of which jurisdiction is
5 specially conferred by statute, when the title to, or right of
6 possession of, real property is not involved.

7 **Sec. 2.** RCW 12.40.010 and 2001 c 154 s 1 are each amended to read
8 as follows:

9 In every district court there shall be created and organized by the
10 court a department to be known as the "small claims department of the
11 district court." The small claims department shall have jurisdiction,
12 but not exclusive, in cases for the recovery of money only if the
13 amount claimed does not exceed (~~four~~) five thousand dollars.

14 MUNICIPAL COURT CONTRACTING

15 **Sec. 3.** RCW 3.50.003 and 1984 c 258 s 125 are each amended to read
16 as follows:

17 The definitions in this section apply throughout this chapter
18 unless the context clearly requires otherwise.

19 (1) "City" means an incorporated city or town.

20 (2) "Contracting city" means any city that contracts with a hosting
21 jurisdiction for the delivery of judicial services.

22 (3) "Hosting jurisdiction" means a county or city designated in an
23 interlocal agreement as receiving compensation for providing judicial
24 services to a contracting city.

25 (4) "Mayor(~~(7)~~)" (~~(as used in this chapter,)~~) means the mayor, city
26 manager, or other chief administrative officer of the city.

27 NEW SECTION. **Sec. 4.** A new section is added to chapter 3.50 RCW
28 to read as follows:

29 A city may meet the requirements of RCW 39.34.180 by entering into
30 an interlocal agreement with the county in which the city is located or
31 with one or more cities.

32 **Sec. 5.** RCW 3.50.020 and 2005 c 282 s 14 are each amended to read
33 as follows:

1 The municipal court shall have exclusive original jurisdiction over
2 traffic infractions arising under city ordinances and exclusive
3 original criminal jurisdiction of all violations of city ordinances
4 duly adopted by the city (~~(in which the municipal court is located)~~)
5 and shall have original jurisdiction of all other actions brought to
6 enforce or recover license penalties or forfeitures declared or given
7 by such ordinances or by state statutes. A hosting jurisdiction shall
8 have exclusive original criminal and other jurisdiction as described in
9 this section for all matters filed by a contracting city. The
10 municipal court shall also have the jurisdiction as conferred by
11 statute. The municipal court is empowered to forfeit cash bail or bail
12 bonds and issue execution thereon; and in general to hear and determine
13 all causes, civil or criminal, including traffic infractions, arising
14 under such ordinances and to pronounce judgment in accordance
15 therewith. A municipal court participating in the program established
16 by the administrative office of the courts pursuant to RCW 2.56.160
17 shall have jurisdiction to take recognizance, approve bail, and arraign
18 defendants held within its jurisdiction on warrants issued by any court
19 of limited jurisdiction participating in the program.

20 **COURT COMMISSIONERS**

21 **Sec. 6.** RCW 3.42.020 and 1984 c 258 s 31 are each amended to read
22 as follows:

23 Each district court commissioner shall have such power, authority,
24 and jurisdiction in criminal and civil matters as the appointing judges
25 possess and shall prescribe, except that when serving as a
26 commissioner, the commissioner does not have authority to preside over
27 trials in criminal matters, or jury trials in civil matters unless
28 agreed to on the record by all parties.

29 **Sec. 7.** RCW 3.34.110 and 1984 c 258 s 17 are each amended to read
30 as follows:

31 (1) A district (~~(judge)~~) court judicial officer shall not (~~(act as~~
32 ~~judge)~~) preside in any of the following cases:

33 (~~(1)~~) (a) In an action to which the (~~(judge)~~) judicial officer is
34 a party, or in which the (~~(judge)~~) judicial officer is directly

1 interested, or in which the ((judge)) judicial officer has been an
2 attorney for a party.

3 ((+2)) (b) When the ((judge)) judicial officer or one of the
4 parties believes that the parties cannot have an impartial trial or
5 hearing before the ((judge)) judicial officer. The judicial officer
6 shall disqualify himself or herself under the provisions of this
7 section if, before any discretionary ruling has been made, a party
8 files an affidavit that the party cannot have a fair and impartial
9 trial or hearing by reason of the interest or prejudice of the judicial
10 officer. The following are not considered discretionary rulings: (i)
11 The arrangement of the calendar; (ii) the setting of an action, motion,
12 or proceeding for hearing or trial; (iii) the arraignment of the
13 accused; or (iv) the fixing of bail and initially setting conditions of
14 release. Only one change of ((judges shall be)) judicial officer is
15 allowed each party ((under this subsection)) in an action or
16 proceeding.

17 (2) When a ((judge)) judicial officer is disqualified under this
18 section, the case shall be heard before another ((judge or judge pro
19 tempore)) judicial officer of the same county.

20 (3) For the purposes of this section, "judicial officer" means a
21 judge, judge pro tempore, or court commissioner.

22 **Sec. 8.** RCW 3.50.075 and 1994 c 10 s 1 are each amended to read as
23 follows:

24 (1) One or more court commissioners may be appointed by a judge of
25 the municipal court.

26 (2) Each commissioner holds office at the pleasure of the
27 appointing judge.

28 (3) A commissioner authorized to hear or dispose of cases must be
29 a lawyer who is admitted to practice law in the state of Washington or
30 a nonlawyer who has passed the qualifying examination for lay judges
31 for courts of limited jurisdiction under RCW 3.34.060.

32 (4) When serving as a commissioner, the commissioner does not have
33 authority to preside over trials in criminal matters, or jury trials in
34 civil matters unless agreed to on the record by all parties.

35 (5) A commissioner need not be a resident of the city or of the
36 county in which the municipal court is created. When a court

1 commissioner has not been appointed and the municipal court is presided
2 over by a part-time appointed judge, the judge need not be a resident
3 of the city or of the county in which the municipal court is created.

4 NEW SECTION. **Sec. 9.** A new section is added to chapter 3.50 RCW
5 to read as follows:

6 (1) A municipal court judicial officer shall not preside in any of
7 the following cases:

8 (a) In an action to which the judicial officer is a party, or in
9 which the judicial officer is directly interested, or in which the
10 judicial officer has been an attorney for a party.

11 (b) When the judicial officer or one of the parties believes that
12 the parties cannot have an impartial trial or hearing before the
13 judicial officer. The judicial officer shall disqualify himself or
14 herself under the provisions of this section if, before any
15 discretionary ruling has been made, a party files an affidavit that the
16 party cannot have a fair and impartial trial or hearing by reason of
17 the interest or prejudice of the judicial officer. The following are
18 not considered discretionary rulings: (i) The arrangement of the
19 calendar; (ii) the setting of an action, motion, or proceeding for
20 hearing or trial; (iii) the arraignment of the accused; or (iv) the
21 fixing of bail and initially setting conditions of release. Only one
22 change of judicial officer is allowed each party in an action or
23 proceeding.

24 (2) When a judicial officer is disqualified under this section, the
25 case shall be heard before another judicial officer of the
26 municipality.

27 (3) For the purposes of this section, "judicial officer" means a
28 judge, judge pro tempore, or court commissioner.

29 NEW SECTION. **Sec. 10.** A new section is added to chapter 35.20 RCW
30 to read as follows:

31 (1) A municipal court judicial officer shall not preside in any of
32 the following cases:

33 (a) In an action to which the judicial officer is a party, or in
34 which the judicial officer is directly interested, or in which the
35 judicial officer has been an attorney for a party.

1 (b) When the judicial officer or one of the parties believes that
2 the parties cannot have an impartial trial or hearing before the
3 judicial officer. The judicial officer shall disqualify himself or
4 herself under the provisions of this section if, before any
5 discretionary ruling has been made, a party files an affidavit that the
6 party cannot have a fair and impartial trial or hearing by reason of
7 the interest or prejudice of the judicial officer. The following are
8 not considered discretionary rulings: (i) The arrangement of the
9 calendar; (ii) the setting of an action, motion, or proceeding for
10 hearing or trial; (iii) the arraignment of the accused; or (iv) the
11 fixing of bail and initially setting conditions of release. Only one
12 change of judicial officer is allowed each party in an action or
13 proceeding.

14 (2) When a judicial officer is disqualified under this section, the
15 case shall be heard before another judicial officer of the
16 municipality.

17 (3) For the purposes of this section, "judicial officer" means a
18 judge, judge pro tempore, or court commissioner.

19 MUNICIPAL DEPARTMENTS

20 NEW SECTION. **Sec. 11.** A new section is added to chapter 3.46 RCW
21 to read as follows:

22 A municipality operating a municipal department under this chapter
23 prior to July 1, 2008, may continue to operate as if this act was not
24 adopted. Such municipal departments shall remain subject to the
25 provisions of this chapter as this chapter was written prior to the
26 adoption of this act.

27 NEW SECTION. **Sec. 12.** The following acts or parts of acts are
28 each repealed:

29 (1) RCW 3.46.010 (Municipal department authorized) and 1984 c 258
30 s 72 & 1961 c 299 s 35;

31 (2) RCW 3.46.020 (Judges) and 1987 c 3 s 1, 1984 c 258 s 73, & 1961
32 c 299 s 36;

33 (3) RCW 3.46.030 (Jurisdiction) and 2005 c 282 s 13, 2000 c 111 s
34 5, 1985 c 303 s 13, & 1961 c 299 s 37;

35 (4) RCW 3.46.040 (Petition) and 1984 c 258 s 74 & 1961 c 299 s 38;

- 1 (5) RCW 3.46.050 (Selection of full time judges) and 1975 c 33 s 2
2 & 1961 c 299 s 39;
- 3 (6) RCW 3.46.060 (Selection of part time judges) and 1984 c 258 s
4 75 & 1961 c 299 s 40;
- 5 (7) RCW 3.46.063 (Judicial positions--Filling--Circumstances
6 permitted) and 1993 c 317 s 3;
- 7 (8) RCW 3.46.067 (Judges--Residency requirement) and 1993 c 317 s
8 5;
- 9 (9) RCW 3.46.070 (Election) and 1984 c 258 s 76 & 1961 c 299 s 41;
- 10 (10) RCW 3.46.080 (Term and removal) and 1984 c 258 s 77 & 1961 c
11 299 s 42;
- 12 (11) RCW 3.46.090 (Salary--City cost) and 1984 c 258 s 78, 1969
13 ex.s. c 66 s 5, & 1961 c 299 s 43;
- 14 (12) RCW 3.46.100 (Vacancy) and 1984 c 258 s 79 & 1961 c 299 s 44;
- 15 (13) RCW 3.46.110 (Night sessions) and 1961 c 299 s 45;
- 16 (14) RCW 3.46.120 (Revenue--Disposition--Interest) and 2004 c 15 s
17 7, 1995 c 291 s 2, 1988 c 169 s 1, 1985 c 389 s 3, 1984 c 258 s 303,
18 1975 1st ex.s. c 241 s 4, & 1961 c 299 s 46;
- 19 (15) RCW 3.46.130 (Facilities) and 1961 c 299 s 47;
- 20 (16) RCW 3.46.140 (Personnel) and 1961 c 299 s 48;
- 21 (17) RCW 3.46.145 (Court commissioners) and 1969 ex.s. c 66 s 6;
- 22 (18) RCW 3.46.150 (Termination of municipal department--Transfer
23 agreement--Notice) and 2005 c 433 s 33, 2001 c 68 s 2, 1984 c 258 s
24 210, & 1961 c 299 s 49;
- 25 (19) RCW 3.46.160 (City trial court improvement account--
26 Contributions to account by city--Use of funds) and 2005 c 457 s 2;
- 27 (20) RCW 3.42.030 (Transfer of cases to district judge) and 2000 c
28 164 s 1, 1984 c 258 s 32, & 1961 c 299 s 33; and
- 29 (21) RCW 3.50.007 (Cities and towns of four hundred thousand or
30 less to operate municipal court under this chapter or chapter 3.46
31 RCW--Municipal judges in office on July 1, 1984--Terms) and 1984 c 258
32 s 102.

33 **MISCELLANEOUS PROVISIONS**

34 NEW SECTION. **Sec. 13.** This act takes effect July 1, 2008.

1 NEW SECTION. **Sec. 14.** Subheadings used in this act are not any
2 part of the law.

3 NEW SECTION. **Sec. 15.** If specific funding for the purposes of
4 this act, referencing this act by bill or chapter number, is not
5 provided by June 30, 2008, in the omnibus appropriations act, this act
6 is null and void."

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7 On page 1, line 1 of the title, after "courts;" strike the
8 remainder of the title and insert "amending RCW 3.66.020, 12.40.010,
9 3.50.003, 3.50.020, 3.42.020, 3.34.110, and 3.50.075; adding new
10 sections to chapter 3.50 RCW; adding a new section to chapter 35.20
11 RCW; adding a new section to chapter 3.46 RCW; creating new sections;
12 repealing RCW 3.46.010, 3.46.020, 3.46.030, 3.46.040, 3.46.050,
13 3.46.060, 3.46.063, 3.46.067, 3.46.070, 3.46.080, 3.46.090, 3.46.100,
14 3.46.110, 3.46.120, 3.46.130, 3.46.140, 3.46.145, 3.46.150, 3.46.160,
15 3.42.030, and 3.50.007; and providing an effective date."

EFFECT: Strikes the date (January 1, 2003) by which a non-lawyer
municipal court commissioner taking the lay examination for judges must
have passed the examination to be authorized to hear or dispose of
cases.

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